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**To:** [Stafford, Debra](#); [Hoppe, Christopher](#); [Reyna, Maria](#); [Schultz, Michelle](#)  
**Subject:** Title IX Training  
**Date:** Sunday, September 13, 2020 12:28:12 PM  
**Attachments:** [image001.png](#)

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Hi everyone,

Please make sure every student employ completes this training.

Non-Discrimination and Title IX training:

All new student employees and those that took the Non-Discrimination and Title IX training prior to 2020 will need to take it once again due to many governmental updates due in part to regulatory changes this year. This is a paid training, so make sure that the training time is entered on their timesheets. Students can access the training at <https://inside.ewu.edu/titleix/training-2/>.

Josh

**Josh Ashcroft**

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*EWU expands opportunities for personal transformation through excellence in learning.*

If you are a student and would like to connect with a member of the Student Care Team, please click here: [Student Intake Form](#)

If you are a concerned faculty, staff, or community member and wish to alert us about a student needing assistance, please click here [ICARE](#)

**STAY UP TO DATE WITH HOW EWU IS RESPONDING TO COVID-19 & WORKING TO SUPPORT STUDENTS, FACULTY, & STAFF BY VISITING:**[EWU CORONAVIRUS PREPAREDNESS](#)

## Module 1 - Introduction

### *Page 1 - Landing Page (text)*

Dear <student name>:

On behalf of Eastern Washington University, welcome to one of your first learning experiences with us. Completing this required course is a critical step on your journey toward a rewarding college career.

During the course, please keep in mind that all members of our EWU community are expected to look out for one another. Each of us plays a key role in keeping our campus communities safe and vibrant places to learn, work, live, and play. Thank you again for your commitment to this important purpose and to our [EWU values](#).

Amy R. Johnson, Ed.D.  
Associate Vice President for [Student Life and Dean of Students](#)

### *Page 2 - Trigger Warning (text)*

Warning: The information contained within this course touches on the issues of sexual and relationship violence.

If at any point you find yourself needing support, please click on the RESOURCES button located in the top right corner of your screen.

### *Page 3 - President's Welcome (video)*

**Script:** Hello and welcome to Eastern Washington University! My name is Mary Cullinan and I am the President of Eastern Washington University. Sexual violence is an issue that affects far too many college students across the nation. Here at Eastern Washington University, we are continually working to provide education and create services to reduce the incidence of sexual misconduct and provide more support for those who may experience misconduct. This online assignment is your introduction to Eastern Washington University's programs designed to prevent sexual misconduct. We feel that it is important for all students to have the same level of information in order for you to engage in meaningful conversations around the topic and to create a community of respect and safety for all.

<Insert link to updated policy: <https://sites.ewu.edu/policies/policies-and-procedures/ewu-402-01-discrimination-sexual-harassment-sexual-interpersonal-violence/>>

## ***Page 4 – ASEWU President (video)***

*(30-60 seconds) Introduction of ASEWU President; explanation of ASEWU; discuss how Eagles are part of a community and take care of one another.*

## **Module 2 – Healthy Relationships**

### ***Page 1 – Welcome***

*Video:* While at college, you may find yourself dating, in a relationship, or choosing to engage in sexual activity. In this module, we will help you learn about healthy relationships and what constitutes unhealthy relationship behaviors; we will define consent; and we will define the different types of violence that are prohibited in Eastern’s Student Code of Conduct. If at any time you find yourself needing to talk to someone, remember to click the ‘Resources’ button in the top right-hand corner of the screen.

### ***Page 2 – What is a Healthy Relationship? (from One Love Foundation)***

Text box: Click on each definition to learn more about healthy relationship behaviors.

- **Comfortable Pace:** You and your partner allow the relationship to happen at a pace that feels comfortable to both of you. Be sure that nothing feels imbalanced or rushed in the relationship, especially sexual activity. If you’re not ready for something, that’s ok! Communicate with your partner and only do things when you both feel ready.
- **Trust:** Believing your partner won’t do anything to hurt you or ruin the relationship. Examples are when your partner is comfortable when you do things without them, has faith that you won’t cheat on them, and respects your privacy online.
- **Honesty:** Being truthful and open with your partner. In a healthy relationship, you can talk to your partner without fearing how they’ll respond or if you’ll be judged to what you have to say.
- **Independence:** Having space and freedom in your relationship to do what you want. For example, you should have interests and friendships outside of the relationship – and not feel the need to be attached at the hip to your partner.
- **Respect:** Respect means your partner will value your beliefs, opinions, and who you are as a person. Examples are supporting your dreams and goals and sticking up for you.
- **Equality:** You and your partner have the same say and put equal effort into the relationship. Examples are making decisions together (rather than one person calling all the shots) or compromising on decisions to make sure both of you get what you need.
- **Compassion:** Feeling a sense of care and concern from your partner and knowing they will be there to support you too. You will both be kind to one another, be supportive and understanding when one is going through a hard time, and be there to lend a hand in times of need.

- **Taking Responsibility:** You and your partner are both responsible for your own actions and words. You both avoid putting blame on each other and own up to your actions when you do something wrong.
- **Loyalty:** When your partner is reliable and you feel confident that they have your back. Examples are when your partner is respectful and faithful, sticks up for you, doesn't take sides against you, and keeps your secrets safe.
- **Communication:** You can talk to your partner about anything – the good and the bad. You know your partner will listen to you when you need to talk and not judge you for your words or opinions.

### *Page 3 – Unhealthy Relationships (from One Love Foundation)*

Video: <https://www.youtube.com/watch?v=gDX1fXzBdxw>

Click on each definition to learn the 10 signs of an unhealthy relationship.

- **Intensity:** Having really extreme feelings or over-the-top behavior that feels like too much. Examples are rushing the pace of the relationships, always wanting to see you and talk to you, and feeling like someone is obsessed with you.
- **Jealousy:** Jealousy becomes unhealthy when someone lashes out or tries to control you because of it.
- **Manipulation:** When a partner tries to influence your decisions, actions or emotions. Examples are convincing you to do things you wouldn't normally feel comfortable with, ignoring you until they get their way, or using gifts to get back in your good graces.
- **Isolation:** Keeping you away from friends, family, or other people. This can make you feel lonely or dependent on them for money, love or acceptance.
- **Sabotage:** Purposely ruining your reputation, achievements or success.
- **Belittling:** Making you feel bad about yourself. Examples can be calling you names, making rude remarks about your appearance, or making fun of you – even if it's played off as a joke.
- **Guilting:** Making you feel guilty or responsible for your partner's actions. An example can be if your partner pressures you into sexual activity by making it seem that you don't love them if you don't do it.
- **Volatility:** Unpredictable overreactions that make you feel like you need to walk on eggshells around them or do things to keep them from lashing out.
- **Deflecting Responsibility:** Making excuses for their behavior. Examples can be blaming you, other people or past experiences for their actions (like a cheating ex or divorced parents) as a reason for unhealthy behavior.
- **Betrayal:** When your partner acts differently with you versus how they act when you're not around. Examples can be lying to you, acting differently around friends, or cheating while in a relationship with you.

#### ***Page 4 – Identify Unhealthy Behaviors Quiz***

Which of these behaviors would be considered unhealthy? Select all that apply.

- A. Marcus insists on approving his partner's outfit before they go out.  
a. Response: Correct – Marcus is exhibiting controlling behavior.
- B. Jasmine sends flowers to her partner to say thank you for helping to move into her new apartment.  
a. Response: Try again! It is healthy relationship behavior to do something nice or thoughtful for your partner.
- C. Josiah's partner goes to a punk rock concert without her because Amy doesn't care for that kind of music.  
a. Response: Try again! It is healthy and important to have interests of your own, and to be able to engage in them with or without your partner being present.
- D. Eva decides to study in the library at a table near where her partner is working on a group project. She wants to make sure her partner doesn't flirt with other members of the group.  
a. Response: Correct – Eva is exhibiting jealousy and does not trust her partner.
- E. Micah's partner insists that he quit drama club so that they can spend more time together.  
a. Response: Correct – Micah is trying to isolate his partner from his outside interests and his peers.

#### ***Page 5 – Sexual Misconduct (\*from EWU Policy 402-01)***

Text box: Sexual misconduct encompasses a large range of unhealthy relationship behaviors – including stalking, sexual harassment, intimate partner violence, and non-consensual sexual activity.

Click on each of the terms below to learn EWU's definitions of each.

- **Sexual harassment:** unwelcome conduct or contact of a sexual nature.
- **Non-consensual sexual contact:** unwanted intentional contact of an intimate body part.
- **Non-consensual sexual intercourse:** penetration, no matter how slight, of vagina, anus, or oral penetration by sex organ without consent.
- **Stalking:** persistent pattern of behavior that makes you feel afraid, for example, someone continually contacting you in person or electronically or watching you, or following you.
- **Intimate partner violence:** physical or sexual abuse, or threat of such abuse, within a current or former intimate relationship.

## ***Page 6 – Consent***

Text box: Consent is important to both give and receive in intimate partner relationships! But wait, do you know what consent really is?

Text box: Consent means actual words or conduct indicating **freely given agreement** to sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. Sexual activity is non-consensual when someone is incapable of consent by reason of mental capacity, illness, unconsciousness, or incapacitation by use of drugs or alcohol.

## ***Page 7 – Consent continued***

*Video:* Keep in mind that you must receive consent before EVERY sexual act that you want to engage in with your partner. For example, your partner may have said ‘yes’ to kissing, but that doesn’t mean that they have said yes to having sex with you. Just because your partner consented to one thing, doesn’t automatically mean that they’ve consented to another. Remember to ask for consent every step of the way.

## ***Page 8 – Alcohol and Consent (\*incapacitation per EWU Title IX – add link)***

*Video:* Sex, consent, and alcohol can sometimes get a little, well, blurry. The important thing to remember is that sexual activity is non-consensual if someone is incapacitated by drugs or alcohol.

Text box: **Incapacitation** due to alcohol or drugs is not referring to someone simply under the influence of alcohol or drugs or “drunk.” Incapacitated due to alcohol or drugs is referring to individuals that are in a state of intoxication where the individual cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent (to understand the “who, what, when, where, why, or how” of the sexual interaction). Examples of signs and symptoms of incapacitation due to alcohol or drugs are **but not limited to**; vomiting, swaying, slurred speech, incoherent, difficulty balancing, unusual behavior, or passed out.

## ***Page 9 – Consent continued***

*Video:* That’s a lot! Let’s break that down just a little bit... Remember that consent is:

- Clear
- Active
- Not coerced
- The responsibility of the person(s) initiating sexual activity
- Can be withdrawn at any time
- Necessary for every sexual act
- Cannot be given when a person is incapacitated

<bullet points will be in text on the right hand of the screen>

### **Page 10 – Consent**

Video: Consent: It's as Easy as Tea (<https://www.youtube.com/watch?v=fGoWLS4-kU>)

### **Page 11 - Consent Quiz**

Use the multiple choice answers for each of the following questions:

- a. is active
- b. coercion
- c. withdrawn at any time
- d. clear
- e. is the responsibility of the person(s) initiating
- f. cannot be given when a person is incapacitated
- g. is necessary for every sexual act

1. Consent can be given by words or actions, as long as those words or actions create \_\_\_\_\_ permission regarding willingness to engage in the sexual activity.

**Response: D. clear**

2. Consent cannot be given when it is the result of any \_\_\_\_\_, intimidation, force, or threat of harm.

**Response: B. coercion**

3. Consent \_\_\_\_\_, not passive. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Silence or lack of resistance, in and of itself, does not demonstrate consent.

**Response: A. is active**

4. Seeking and having consent accepted \_\_\_\_\_ each sexual act.

**Response: E. is the responsibility of the person(s) initiating**

5. Consent may be initially given, but can be \_\_\_\_\_. When consent is WITHDRAWN, or can no longer be given, sexual activity must stop.

**Response: C. withdrawn at any time**

6. Consent \_\_\_\_\_, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. This may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be unable to consent.

**Response: F. cannot be given when a person is incapacitated**

7. Consent \_\_\_\_\_. Having consent for one sexual act does not imply consent for any other sexual acts.

**Response: G. is necessary for every sexual act.**

### **Page 12- Intimate partner violence definition (\*adapted from EWU Policy)**

Click on each of the terms below to read their definitions.

- **Intimate Partner Violence** is an act of violence committed by a person against another person who is or who has been in a social relationship of a romantic of intimate nature with that person. This violence includes, **but is not limited to**:
  - Physical harm, bodily injury, assault; OR
  - The infliction of fear of imminent physical harm, bodily injury, or assault.

### ***Page 13 – Cycle of Violence***

*Video:* Intimate partner violence can be thought of as a pattern of unhealthy behaviors. After the 'honeymoon phase' of a relationship – the happy time when you want to spend all of your time together – tension slowly builds, often resulting in an abusive event. The abusive partner will then apologize and make excuses for their behavior until their partner takes them back. This cycle can last for years.



### ***Page 14 – Intimate Partner Violence Dynamics***

Text box: Intimate partner violence doesn't always involve physical abuse. There are several types of mental and emotional abuse tactics that a partner can use in a relationship.





### Page 15 – Gender-Based Harassment

*Video:* Gender-based harassment is another form of sexual misconduct. It can occur within any type of relationship, not just romantic ones. This type of harassment is **unwelcome conduct based on a person’s actual or perceived sex; it includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct.**

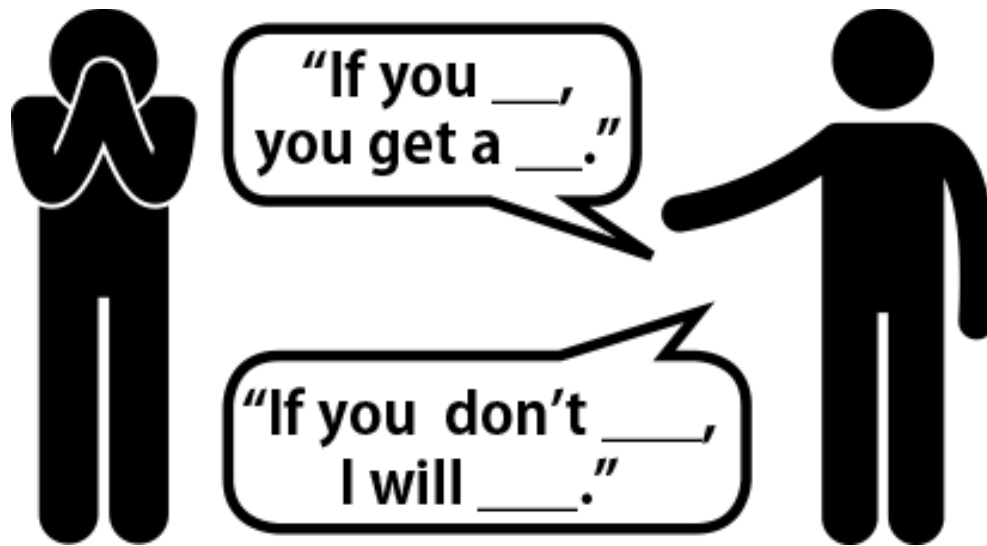
In simpler terms, this means being threatening – verbally or physically – to another person based on their gender and/or gender identity.

*Text box:* Sexual harassment is defined as unwelcome conduct of a sexual nature and may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including non-consensual sexual activity. Sexual harassment, including non-consensual sexual activity, can involve persons of the same or opposite sex. Consistent with state and federal law, EWU’s sexual harassment policy prohibits two types of sexual harassment: *quid pro quo* (i.e. tangible employment or educational action) and hostile environment.

### Page 16 – Quid Pro Quo/Hostile Environment

Click on each of the buttons below to learn more about these types of sexual harassment.

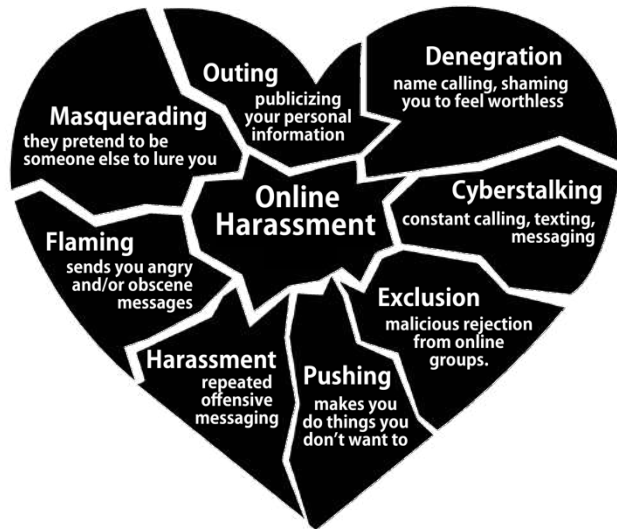
- **Quid pro quo:** This exists when a person in power offers employment or educational rewards (i.e. job promotion; getting an ‘A’ on an exam) or consequences (i.e. getting fired; failing in exam) in exchanges for sexual advances.



- **Hostile environment:** Sexual harassment may create a hostile environment when it is so severe, pervasive, or persistent, and objectively offensive that it:
  - Substantially interferes with another's ability to work, study, participate in, or benefit from the university's program or activities; or
  - The conduct has the purpose or effect of unreasonably interfering with another individual's work performance or creating an intimidating, hostile, or offensive working environment.
  - Examples of activities that may create a hostile environment:
    - Comments about appearance
    - Vulgar gestures
    - Sexually explicit comments
    - Leering
    - Whistling or catcalling
    - Blocking someone's path
    - Sexual touching or grabbing.
    - Ultimately, an environment is defined as hostile by those who experience it.

***Page 17 – Harassment continued***

Text box: Harassment doesn't always happen in person. Nowadays, online harassment has become a big issue with all of the different forms of technology, social media, and online communication. The image below shows different forms of online harassment:



### Page 18 – Identify Harassment Quiz

Which of these scenarios are examples of harassment? Select all that apply.

- A. Mandy’s professor asks her on a date. The professor offers to give Mandy an ‘A’ on the midterm if she agrees.
  - a. Response: Correct – this would be considered ‘quid pro quo,’ which is a type of sexual harassment.
- B. Cara’s CA tells her, “Hey, you are rocking that outfit today!”
  - a. Response: Incorrect – this comment by itself would not be considered vulgar or sexual in nature.
- C. Alex is walking across campus and passes someone who calls out, “Hey B\*\*\*\*!”
  - a. Response: Correct – negative or offensive comments directed at a person are considered harassment and can lead to the creation of a hostile environment.
- D. Rian’s classmate comments to her, “You should wear that shirt every day, it makes your breasts look great.”
  - a. Response: Correct – vulgar or sexual comments about one’s appearance is considered sexual harassment.

### Page 19 – Stalking

*Video:* Sending text messages, giving someone presents, and waiting for someone oftentimes are normal behaviors when both people want to connect with each other. BUT – it’s important to know that if the behavior is unwanted and/or the other person has been asked to stop, but they continue the behavior, then it can be considered stalking.

If you see someone engaging in these behaviors, a good first step is to let them know that the behavior is inappropriate. If they keep doing it, then you may want to get someone else involved – whether it’s a staff member, faculty, your CA or even the police.

If someone believes that they are being stalked, they may experience fear of their stalker and what they might do, anxiety, depression, stress or irritability, trouble sleeping, appetite loss or overeating, or not knowing who to trust.

Even if someone is no longer being stalked, they may still experience fear and distress.

Text box: *Stalking* is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their own health and/or safety or the health/safety of others; or (b) suffer substantial emotional distress.

### ***Page 20 – Stalking quiz***

Which of the following behaviors may be considered stalking?

- A. Waiting for someone outside of their class despite being told to stop
  - a. Response: Correct – waiting for someone outside of their class may be okay, but in this case, if you are told to stop, it can be considered stalking.
- B. Calling or sending unwanted texts to an ex-partner
  - a. Response: Correct – if you are contacting someone and the messages are unwanted by the other person, it can be considered stalking.
- C. Stopping by your partner’s place to surprise them for their birthday
  - a. Response: Try again! It would not be considered stalking if you are in a mutual, consensual relationship and are doing something nice for your partner. This behavior could potentially become stalking behavior if it was unwanted.
- D. Having your friend keep you updated on what someone is doing without their knowing
  - a. Response: Correct – even though you may not be the one following another person, by having your friend do it and then update you on their movements, it can still be considered stalking.
- E. Leaving a gift for your partner in a place you know they will find it
  - a. Response: Try again! It would not be considered stalking if you are in a mutual, consensual relationship and are doing something nice for your partner. This behavior could potentially become stalking behavior if it was unwanted.

### ***Page 21 – Sanctions/Consequences - Video of SSR***

C3: Eastern Washington University is committed to the safety of students! Which is why, if you have been accused and found guilty of any type of sexual misconduct, you will receive sanctions (aka consequences) from the University. These consequences may affect your financial aid, your education, or even your ability to continue your studies here at Eastern.

*(30-60 seconds) Introduction by Tim Orton; explanation of Student Rights & Responsibilities; discuss Student Code of Conduct and importance of following the conduct code.*

### ***Page 23 – Wrap-Up Module***



# Start By Believing Speaker Notes Staff/Faculty Version



A program of **End Violence Against Women International**

Please review these notes prior to your first presentation.

Before you begin, please give the disclaimer:

“We will be discussing sexual assault. Some people are uncomfortable discussing this issue, but it important to talk about these issues and dialogue within of our EWU community.”



- *Start by Believing* is a campaign focused on the public response to sexual assault.
- Victims generally tell a friend or family member first. On a college campus, it may also be a staff or faculty member based on your relationship.
- The goal is to improve how we respond to someone who tells us, “I have been sexually assaulted.”

SBB was created by End Violence Against Women International.





**YOUR REACTION  
MAKES THE DIFFERENCE**

An individual reaction can change the outcome for students on our campus.

When you believe a victim, their path to healing and justice can begin.

**What is the **culture** that  
we want to create in  
**our Eagle community**?**

We want to create a community of support.

We want to create an environment and academic community that facilitates learning and personal growth.

We all can play a role in helping a victim of sexual assault.

**Ask: What are we talking about when we say sexual assault**

Sexual assault is sexual contact or behavior that occurs without consent. This can include: touching, attempted rape, sodomy or rape.

If we look at our EWU policy, the terms we use are sexual harassment and sexual misconduct.

These terms involve a range of behaviors that include:

- unwelcome sexual advances
- requests for sexual favors,
- nonverbal or physical conduct of a sexual nature
- sexual touching
- sexual assault

## **What is consent?**

Consent means actual words or conduct indicating freely given agreement to sexual activity. Consent cannot be inferred from silence, passivity or lack of resistance. There is no consent where there is threat of violence or any other form of coercion or intimidation.

Sexual activity is nonconsensual when the victim is incapable of consent by reason of mental capacity, drug or alcohol use, illness, unconsciousness or physical condition.

## **For Staff Presentations Only:**

### **Mandatory Employee Reporting**

All university employees who become aware of an incident or complaint of sexual harassment or sexual misconduct that involves a student must report it to the Title IX Coordinator or the Deputy Title IX Coordinator within 24 hours of becoming aware of the matter



There is no shame when a loved one dies  
When a home is lost  
When a car is stolen

There is COMFORT and SUPPORT  
There is RESPECT and SYMPATHY



Sexual assault is one of the few crimes where we blame the victim for the violent crime that happened to them. When someone is sexually assaulted, scrutiny often falsely turns to the victim with questions such as:

- “What were you wearing?”
- “Were you drinking?”
- “Did you lead them on?”

## **Ask: Why do rape myths exist?**

Myths of rape give people a false sense of security by legitimizing sexual assault or denying that it even occurs.

They often do this by blaming the victim for their experience or making excuses and minimizing their assault.

In effect, these myths perpetuate sexual assault by not addressing the realities of rape.



**Ask: When you think of the typical perpetrator of rape, describe that person and place that it occurs.**

On a college campus, about 90% of rapes are committed by someone the victim knows and trusts.

Rape can occur at any time and in any place. They are most likely to occur in a private home or residence hall.

**Let's look more closely at some of the rape myths that exist on our campus and in our culture.**



## Men can't be sexually assaulted.

Men may not report due to stereotypes of masculinity. Men are more likely to be sexually assaulted by another man.

Assumptions about the **“typical” sexual assault victim** may further isolate those victimized because they may feel they will not be believed if they do not share the characteristics of the stereotypical sexual assault victim.

Sexual assault does not occur in same-sex relationships.

Sexual assault occurs at about the same or slightly higher rate in same-sex relationships as in heterosexual relationships.

**Sexual assault does not occur in same-sex relationships.**

The research is mixed, but shows that sexual assault occurs at about the same or slightly higher rate in same-sex relationships as in heterosexual relationships.



Reports show that there is a lot of diversity in the way women who are assaulted act and dress.

Any woman of any age and physical type, in almost any situation can be sexually assaulted.

**The number one thing convicted rapists** report looking for in a victim is vulnerability, not appearance. This myth takes the responsibility of the rape away from the rapist and shifts it to the victim. No one asks to be hurt in this way.

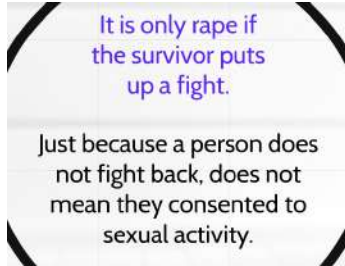
If she was drinking, it was  
her fault she got raped.

If a person is drunk, they  
are incapable of giving  
consent.

**If they were *drinking*, it was his or her fault they got raped.**

This is the biggest myth we hear in discussions with students on this campus. Discuss myth of liability if both parties are drunk.

Alcohol is often used to blame the survivor and also excuse the perpetrator. Being under the influence of alcohol or drugs is not an invitation for non-consensual sexual activity. A person under the influence of drugs or alcohol *does not cause* others to assault them; *others choose* to take advantage of the situation and sexually assault a person in a vulnerable position.



## It is only rape if the survivor puts up a **fight**.

- There are many reasons why a survivor may not put up a fight or resist their attacker; they may feel fighting their attacker will result in a more severe injury.
- When we feel threatened, we: Fight, flight or freeze

People lie about rape for revenge or 'regretted sex'.

Rape is falsely reported at about the same rate as any other violent crime - 3%.

## People lie about rape for revenge or 'regretted sex'.

While rape is the most committed violent crime, it is the least reported. Reasons for not immediately reporting the assault can include:

- fear of retaliation by the offender
- fear of not being believed
- fear of being blamed for the assault
- fear of being "revictimized"



Now we will look at some national statistics around sexual assault.

Every **two minutes** someone is sexually assaulted in the United States.

**Most (80%)** of sexual assault victims are **under 30 years old.**





**1 in 4 women** are sexually assaulted in their lifetime.

**1 in 33 men** are sexually assaulted in their lifetime.

It is estimated that for every 1,000 women on a college campus, there are **35** incidents of rape each academic year.

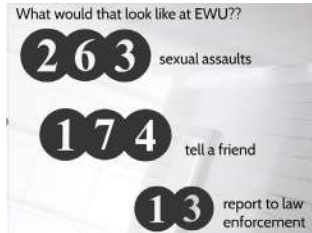
It is estimated that for every **1,000 women** on a college campus, there are **35 incidents** of rape each academic year.

Less than 5% of completed or attempted rapes against college women were reported to law enforcement. However, in

**2/3** of the incidents the victim did tell another person, usually a friend, not family or school officials.

**Less than 5%** of completed or attempted rapes against college women were reported to law enforcement. However, in **2/3** of the incidents the victim did tell another person, usually a friend, not family or school officials.

So, let's take a look at what that means on our campus.



What would that look like at **EWU**?

**263** sexual assaults

**174** tell a friend

**13** report to law enforcement

We would like to see the number of students reporting sexual assault on our campus increase, because it means that more victims will be getting the help they need to heal from this crime.

It does not have to be that way. Start by Believing's purpose is to help friends and family member respond positively to disclosures of sexual assault, in the hopes more victims will feel comfortable coming forward.



**Because your response...  
our response...  
Can make a difference**

When a victim experience a positive and empathetic response from someone, it improves their chances of seeking counseling and reporting the crime to law enforcement.

If a victim is not believed by the first person they tell, they are more likely to not report this crime to anyone else and to not get linked up with social services.



## How to Help a Friend

**Listen without judgement.** It takes courage and strength to share this information.

Don't blame the victim for his or her decisions. Many times the victim doesn't tell anyone because they feared being judged or blamed.

Respect the victims confidentiality, and don't share information about their experience with others.

Listen to what they tell you. Sometimes they want to talk about the assault, sometimes they do not. Do not interrogate them.

## How to Help a Friend

*Believe.* It is important to *Start by Believing*, and to verbalize your belief to the survivor by expressing empathy.

## How to Help a Friend

**Believe.** It is important to *Start by Believing*, and to verbalize your belief to the survivor by expressing empathy.

Remember that whatever the individual did to survive an attack was exactly what he or she needed to do. They did not cause the assault and they are never at fault.

How you respond and what you say to the victim is important.

- **“I believe you”**
- **“How do you feel?”**
- **“What do you want to do?”**
- **“How can I help?”**
- **“It is not your fault”**
- **“You are a strong person”**





## How to Help a Friend

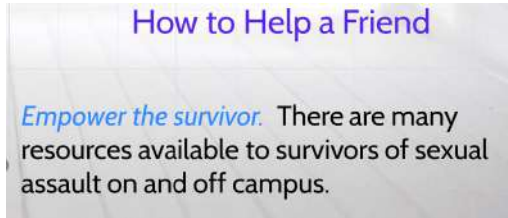
*Be patient and sensitive.*

### **How to Help a Friend**

**Be patient and sensitive.** The range of emotions and time it takes to heal is different for every survivor let them set the pace.

Understand that he or she is in distress, and will be dealing with a wide array of strong and overwhelming feelings.

You may also have strong reactions to what you hear- seek help if you need to.



## How to Help a Friend

**Empower the survivor.** Allow the victim the freedom to choose when, where and how to talk about or report the experience.

There are many resources available to survivors of sexual assault on and off campus.

When you know the resources, you can provide options and allow the survivor to make their own choices about the next steps.

Now we are going to look at the resources that are available.

## **Resources**

There are **two types** of reporting and support resources available on campus:

*Confidential and private, non-confidential.*

**Confidential Resources** are not able to share your information or what you tell them without your permission.

Here are local numbers for confidential resources.

**Private, Non-Confidential Resources**, these reporters will keep your information as private as possible, but may need to share the information with others on campus to better help you.

Here are local numbers for private, non-confidential resources.

## **EWU Policy 402-01: Discrimination Sexual Harrassment, Sexual Miscondont, Domestic Violence Stalking & Retaliation**

This policy was updated May 15, 2014

# #SaySomething Outline

1. As a result of attending this presentation, participants will be able to define sexual assault
2. As a result of attending this presentation, participants will be able to describe what bystander intervention is
3. As a result of attending this presentation, participants will be able to list at least four phrases one might hear that are consensual.
4. As a result of this presentation participants will be able to report where resources are both on and off campus for sexual assault cases.

## **\*\*Audience Participation\*\***

What is sexual assault/sexual violence?

- Attempted rape
- Fondling or unwanted sexual touching
- Forcing a victim to perform sexual acts
- Penetration of the victim's body, also known as rape
- Dating and domestic violence

If an audience member doesn't acknowledge consent when discussing what sexual assault/sexual violence is bring that into the conversation.

## **Slide 1**

### **What is consent?**

At this point ask the audience what consent is.

- Consent is an agreement, permission, and a "YES" between participants to engage in a sexual activity.

## **Slide 2**

Consent per WA state law. Silence is not consent, there needs to be a clear, knowing and voluntary consent that requires words to give clear permission of willingness to engage.

### **What does consent sound like?**

- YES
- Absolutely
- Of course
- Yup
- Lets do it
- I love it
- I'm sure
- More!

- I want to...

### **What does consent NOT sound like?**

- No
- I'm not sure
- I'm scared
- [Silence]
- No more!
- I want to, but...
- I feel worried about

- I thought I wanted to, but...

WAC 504-26-221:

Consent cannot be given while under the influence

“The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if she or he cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or he or she lacks the capacity to reasonably understand the situation and to make rational, reasonable decisions.”

### **Slide 3:**

Rules of Consent

Go over the rules of consent. Ask the audience if there are any other rules, and/or is there something that doesn't seem clear to them?

#### **\*\*Audience Participation\*\***

Ask the audience how they ask for consent, what does it sound like? What words are given?

#### **How do you ask for consent?**

- “Would it be okay with you if...?”
- “I've always wanted to try [blank], what do you think?”
- “This feels good for me, does it feel good for you?”
- “Are you comfortable with this?”
- “How do you feel about this?”
- “Do you like this?”
- “What are you comfortable with?”
- “What do you like?”
- “May I kiss you...?”
- “What turns you on?”

#### **\*\*Audience Participation\*\***

Ask the audience how NOT to ask for consent? What is not a good idea to say?

#### **How NOT to ask for consent**

- “I want you so bad”
- “You know how much I like this?”
- “But we already started...”
- “But you said you would”
- “You're okay, right?”

#### **\*\*Audience Participation\*\***

Ask the audience what a bystander is? What are characteristics of a bystander? Who is a bystander?



#### **Slide 4:**

##### **What is Bystander Intervention?**

A bystander is a person who is present when an event takes place but isn't directly involved. Bystanders might be present when sexual assault or abuse occurs—or they could witness the circumstances that lead up to these crimes.

Whether you're taking home a friend who has had too much to drink, explaining that a rape joke isn't funny, or getting security involved when someone is behaving aggressively, choosing to step in can affect the way those around you think about and respond to sexual violence.

##### **\*\*Audience Participation\*\***

Ask the audience why someone would choose not to intervene in a situation, write these on the whiteboard.

Why would someone **NOT** want to intervene or get involved in a situation?

Suggestions may include:

- It is not my problem
- It is not my job
- It is not my responsibility
- It just don't want to go there
- I don't want to make things worse
- I don't feel safe
- I don't know what to do or say
- I don't want to be a snitch
- I don't get into other people's business
- I believe in the right of the individual

##### **\*\*Audience Participation\*\***

Ask the audience why someone would choose to intervene in a situation, write these on the whiteboard.

Why would someone **CHOOSE** to intervene?

- The person involved is someone they care about
- Didn't think about it-just reacted
- I was just doing what I would want someone to do for me
- I knew he was drunk and I didn't want anyone to get hurt

This dialogue hopefully opens up the complexity of what it means to a bystander. It will reinforce the concept that we are all bystanders, every day, as a unifying concept. Remember to point out there are multiple good reasons to get involved and multiple good reasons to be cautious-especially when there is a possibility of violence.

The following slides go into more depth of the reasons why people may not intervene, create dialogue among audience with specific examples that may fit into each category.

#### **Slide 5:**

## Fear/Insecurity/Confusion

Ambiguity or confusion occurs when you are unsure if the situation is actually a “situation.” You may not want to intervene if you feel you are breaking up a situation that does not need to be broken up. Chances are: if you feel like something is wrong, it is probably wrong. Trust your gut. Or, if you’re really unsure, ask someone else what they think of the situation.

### **Slide 6:**

#### Diffusion of Responsibility

Diffusion of responsibility is a sociopsychological phenomenon that occurs when people within a crowd each believe that someone else will handle a situation.

### **Slide 7:**

#### Social Identifiers

Social identifiers are different personal characteristics, such as race/ethnicity, gender, sexual orientation, religion, or even body size (height/weight). Your own personal social identifiers may make you less likely to intervene in a situation.

### **Slide 8:**

#### Unsafe Climate/Safe Space

You may feel unsafe in breaking up a situation because it may put your own personal safety at risk. You should never engage in a situation where you may be harmed. In this case, the threat may be obvious, and you can ask for assistance with handling the situation (i.e. calling 9-1-1). You may also fear future retaliation from the perpetrator, especially if you know them personally.

\*\*New Zealand Bystander Intervention YouTube Video- 8.06

### **Slide 9:**

#### Three D’s

#### Distract, Delegate, and Direct

### **Slide 10:**

Go through various scenarios, discuss which of the three D’s you could use, and consider the following questions:

- What are the risks for taking action?
- Are there others in a better position to act?
- What can you do?
- What can you encourage in others?
- Do you know how to implement your choice?
- Do you have the resources you need?

**\*\*Audience participation\*\***

What would you do if someone discloses they've been sexually assaulted? Do you know what resources are available to them on campus and off campus?

**Slide 11:**

Reporting Options

Both on EWU Spokane, WSU Spokane, and EWU Cheney's campus and off campus in Spokane

**Slide 12:**

Resources/Questions

# TITLE IX AND REPORTING

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SENIOR INVESTIGATOR / TITLE IX COORDINATOR JEFF LAMOUREAUX

SHOWALTER 312 / 509-359-2021 / [JLAMOUREAUX@EWU.EDU](mailto:JLAMOUREAUX@EWU.EDU)

# JEFF LAMOUREAUX BACKGROUND

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- S. Investigator / Title IX Coordinator Nov. 2017 - current
- UNL D. Title IX Coordinator / Investigator May 2016-Oct. 2017
- Law Enforcement 2000-2016 (Patrol, Detective, Sergeant)
- Certifications on investigations and interviews (conducted over 2,000 interviews and investigations)
  - Diversity Centered Leadership
    - Threat Management
  - Robert Presley Institute of Criminal Investigations
    - Trauma Informed Training
- Crisis Negotiation Team Supervisor / Volunteer 24-hour Crisis Line Counselor
  - BA Public Admin. / Criminal Justice
  - Masters Organizational Leadership

# TITLE IX TRAINING OUTLINE

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- TITLE IX
- PROHIBITED REPORTABLE CONDUCT
- MANDATORY REPORTING
- COMPLAINANT REPORTING OPTIONS
- RESOURCES
- INVESTIGATIVE PROCESS
- CONFIDENTIALITY
- INTERIM MEASURES
- RETALIATION
- SANCTIONS
- PREVENTION
- ADDITIONAL CONCERNS (BULLYING)

# EWU'S RESPONSIBILITY TO RESPOND

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- Title IX – Requires a “prompt and effective remedy” when the University knew or should have known about the gender discrimination or sexual harassment.
- Title VII – Protects individuals from discrimination of a protected status in the workplace, including sexual harassment and requires an “appropriate action” by the employer upon notice.
- Clery Act – Creates a duty for institutions to report crimes in 15 different categories which include non-consensual sex, intimate partner violence (dating / domestic violence), and stalking.



# EASTERN WASHINGTON UNIVERSITY POLICIES

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- Policy 402-01 – Discrimination, Sexual Harassment & Sexual & Interpersonal Violence (requires mandatory reporting for sexual misconduct) (New policy coming)
- Policy 402-04 – Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking (process)
- Policy 603-01 – Campus, Safety, Security, & Crime Prevention (requires reporting of crimes on campus to University Police)
- Policy 901-03 – Fraternization and Consensual Relationships



# WHY DO I HAVE TO BE HERE?

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- <https://www.youtube.com/watch?v=NFzmx97FcQ>

# WHAT IS SEX-BASED HARASSMENT? TITLE IX (SEXUAL MISCONDUCT) REQUIRED TO REPORT

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- Sexual Harassment
- Non-Consensual Sexual Contact
- Non-Consensual Sexual Intercourse
- Intimate Partner Violence (relationship violence)
- Stalking
- Gender-Based Harassment (includes parents and pregnancy )

# WHO IS COVERED UNDER TITLE IX?

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- STUDENTS
- FACULTY
- STAFF
- CAMPERS (UNDER OUR PROGRAMMATIC CONTROL)
- CONTRACTORS
- VISITORS
- VOLUNTEERS

# WHEN IS THE CONDUCT COVERED UNDER TITLE IX?

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- WHENEVER EWU POLICY SAYS
- WHEN CONDUCT OCCURRED ON ANY UNIVERSITY PROPERTY EWU CONTROLS OR OWNS
- WHEN CONDUCT OCCURRED DURING ANY EWU SPONSORED EVENT / PROGRAM
- OFF-CAMPUS CONDUCT THAT CAUSES A DISCRIMINATORY IMPACT ON CAMPUS

# SEXUAL HARASSMENT

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State and Federal Law and EWU Policy 402-01 prohibit two types of sexual harassment:

- Tangible Employment or Educational Action (Quid Pro Quo)
- Hostile Environment

# SEXUAL HARASSMENT

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Unwelcome conduct of a sexual nature which creates a hostile environment

- Unwelcome sexual advances
- Requests for sexual favors
- Other verbal, nonverbal, or physical conduct of a sexual nature, including sexual assault



# SEXUAL HARASSMENT VIDEO

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<https://www.youtube.com/watch?v=TErIkUyHY5c>

# INTIMATE PARTNER VIOLENCE (RELATIONSHIP VIOLENCE)

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- An act of violence committed by a person against another person who is or has been in a social relationship of a romantic or intimate nature with that person. The violence includes, but is not limited to, physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault.



# STALKING

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- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or safety of others.
- The intent of the conduct is irrelevant. It is how the conduct is perceived by the affected person.

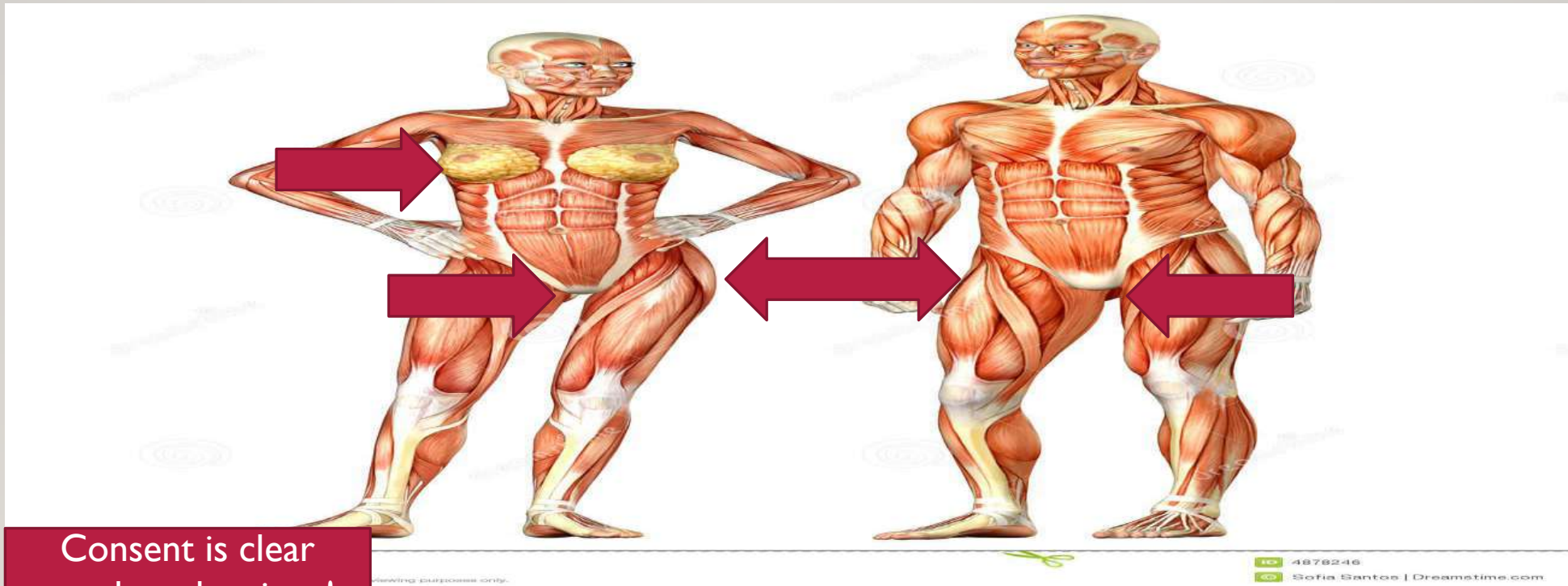
# NON-CONSENSUAL SEXUAL ACTIVITY

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- Non-consensual sexual contact
- Non-consensual sexual intercourse

# NON-CONSENSUAL SEXUAL CONTACT

INTENTIONAL CONTACT WITH AN INTIMATE BODY PART (GENITALS, BREASTS, BUTTOCK, THIGHS) WITHOUT CONSENT OF BOTH PARTIES.



# NON-CONSENSUAL SEXUAL INTERCOURSE

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- **Penetration (however slight) of the vagina or anus;**
- **By any body part or object;**
- **Without consent**
  
- Or
  
- **Oral penetration by a sex organ of another person;**
- **Without consent**

# OTHER FORMS OF SEXUAL MISCONDUCT AND GENDER DISCRIMINATION

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- Indecent liberties / indecent exposure
- Sexual exhibitionism
- Peeping or other voyeurism
- Sex-based / gender-based harassment
  - **Treat everyone equitable regardless of gender, gender identity, sexual orientation!**



# MANDATORY REPORTER (ALL EMPLOYEES INCLUDING STUDENT EMPLOYEES) (REPORTING REQUIREMENTS)

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All EWU employees, except for licensed professionals at CAPS are mandatory reporters

- Must report to the Title IX Coordinator within 24 hours when you become aware
- Must report regardless of the potential Complainant's desire for the matter to remain confidential
- You don't have to evaluate and decide just report

# INCIDENT REPORTED, OBSERVED OR SUSPECTED

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- Emergency direct them to contact Police (EWU PD if on campus).
- Mental Health Concerns [ CAPS (students) / EAP (employees) ].
- If person wants to file a complaint:
  - Online options: EWU Title IX (Sexual Misconduct) - <https://sites.ewu.edu/titleix/>
  - In person with Title IX Coordinator – Showalter 312B
  - Over the phone with Title IX Coordinator – 509-359-2021
  - Via email [CIR@ewu.edu](mailto:CIR@ewu.edu) or [jlamoureux@ewu.edu](mailto:jlamoureux@ewu.edu)

# EWU EMPLOYEES

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- Play a key role in preventing and responding to discriminatory acts
  - Response - when you become aware of an incident, take appropriate action and report the incident to the Title IX Coordinator within 24 hours



# CONFIDENTIALITY

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## **We cannot promise confidentiality**

Inform the individual of:

- Your obligation to report
- They may request confidentiality with Title IX or Deputy Title IX Coordinators
- Can receive confidential help from CAPS (students) or EAP (employees) or other community resources.

# CONFIDENTIALITY

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- Report it don't gossip (don't communicate with other students / employees).
- Involved parties are encouraged not to talk about it (it could affect the credibility).
- Investigator(s) assigned only share information with those that need to know (Residence Life Supervision or Student Affairs Staff).

# CONFIDENTIAL RESOURCES

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- Sexual Assault Family Trauma (SAFeT) – 509-624-7273 – 24 hours
- YWCA Domestic Violence Crisis Line – 509-326-2255 – 24 hours
- Suicide and Mental Health – 509-838-4428 – 24 hours
- Employee Assistance Program (EAP) – 360-407-9490 (employees)
- Counseling and Psychological Services (CAPS) – 509-359-2366 (students)
- For a complete list of all resources visit <https://sites.ewu.edu/titleix/services/>

# INVESTIGATIVE PROCESS

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- Complaint received (duty to stop conduct)
- Provide resources, interim measures
- Informal or Formal
- Interviews
- Neutral Fact Finding (more likely than not - 50.1%)
- Report sent to involved parties and decision maker (supervisor for employees / CRO for students)
- Determination Letters
- Sanctions

# INTERIM MEASURES FOR STUDENTS / EMPLOYEES

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- Student support services
- Academic support
- Counseling
- Disability services
- Mental health services
  
- On-campus living modifications
- Safety planning
  
- No contact directives
- Work place modifications



# RETALIATION

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- Prohibited to act negatively toward the Complainant for filing a complaint / reporting.
- The following may be examples of retaliation:
- Name calling / public shaming the Complainant
- Threatening the Complainant
- Taking a negative action against the Complainant (demotion, adjusting their schedule, unfair grading).

# SANCTIONS

(SOME EXAMPLES)

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- Corrective Action
- Warnings
- Probation
- Loss of privileges / pay
- Demotion
- Suspension
- Expulsion / Termination

# BULLYING

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- INTENTIONAL;
- TARGETED AT AN INDIVIDUAL OR GROUP;
- REPEATED;
- HOSTILE OR OFFENSIVE; AND
- CREATES AN INTIMIDATING AND / OR THREATENING ENVIRONMENT WHICH PRODUCES A RISK OF PSYCHOLOGICAL AND / OR PHYSICAL HARM.
- \* BULLYING COMPLAINTS ARE GENERALLY HANDLED BY DEPARTMENT SUPERVISION.



W (AACL)

February 14<sup>th</sup> 2021

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### Request for Records

Hello,

This is Michael A. Ayele sending this message though I now go by W. You may call me W. I am writing this letter to file a request for records. The basis for this request for records are the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. <sup>i</sup>

#### 1) Background

I came to the United States for the 1<sup>st</sup> time in December 2009 on an F1- Visa to pursue my academic education. I began my undergraduate career in the Spring Semester of 2010 at Westminster College, located 501 Westminster Avenue, Fulton, MO. My memories of January 2010 are still vivid. Though I was not technically a Freshman, I have taken Westminster Seminar in my first semester at Westminster College. <sup>ii</sup> Before taking my first class at Westminster College, I was lectured at Westminster College alongside others for approximately 60 – 90 minutes about affirmative and effective consent as well as the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Specifically, I was informed that one was respectful of affirmative and effective consent when backing off to **“NO!”** I was also informed that one was respectful of affirmative and effective consent when engaging in sexual acts that their intimate partner gave prior consent to willingly absent of any coercion. Furthermore, the other mentioned that the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act required colleges and universities to disclose information about crime on and around their campuses usually in the month of October.

#### 2) Jeanne Ann Clery (November 23<sup>rd</sup> 1966 – April 05<sup>th</sup> 1986)

Jeanne Ann Clery was a female who was born in the State of Pennsylvania on November 23<sup>rd</sup> 1966. Jeanne Ann Clery was an undergraduate student who was found brutally raped and murdered towards the end of her freshman year at Lehigh University (located 27 Memorial Dr W, Bethlehem, PA 18015) on April 06<sup>th</sup> 1986. She was 19 years old at the time of her death. <sup>iii</sup> On April 25<sup>th</sup> 1987, Joseph Henry was found guilty for the murder in the first degree, rape, involuntary deviate sexual intercourse, indecent assault, burglary, theft, robbery and aggravated assault of Jeanne Clery <sup>iv</sup> and sentenced to death. <sup>v</sup> On May 16<sup>th</sup> 2002, Joseph Henry's death sentence was vacated in the United States District Court for the Eastern District of Pennsylvania by Anita B. Brody. <sup>vi</sup> According to the Morning Call, Joseph Henry has forfeited all appeal rights in exchange for life in prison on August 2002. <sup>vii</sup>

3) Update: On Lehigh University's Decision to Invite Donald Trump's to Speak at the Graduation Ceremony Class of 1988

Two years following the brutal rape and murder of Jeanne Clery, Donald Trump was awarded an honorary degree from Lehigh University.<sup>viii</sup> Donald Trump spoke at Lehigh University in 1988 after the Department of Justice (DOJ) filed in 1973 a charge of discrimination against his real estate company for systematically refusing to rent apartments to blacks and African Americans.<sup>ix</sup> As a representative of the media and a member of the general public, I don't recall any discussions and conversations which were being had in Lehigh University and the State of Pennsylvania about inviting to speak for the graduating ceremony class of 1988 a person who 15 years earlier was subject of media attention for racist practices his real estate business employed. A thorough search of popular engines such as Google, Yahoo! And Bing about the issue raised in the previous sentence displayed no meaningfully responsive results. As a representative of the media and a member of the general public, I really don't know if inviting Donald Trump to speak at the graduation ceremony of Lehigh University two years after the brutal rape and murder of Jeanne Ann Clery was appropriate. As a representative of the media and a member of the general public, I really don't recall anyone associated with Lehigh University and the State of Pennsylvania asking: *"Hey, an African American student brutally raped and murdered a Caucasian female on the campus of Lehigh University two years ago. Is it sensitive to invite to speak at Lehigh University a person accused of employing racist practices in his company two years after the tragic death of Jeanne Clery at the hands of a black man? Are we as a community fostering a hostile environment conducive for hatred and violent crimes instead of de-escalating tense situations?"* As of this writing, Lehigh University has revoked the honorary degree it awarded Donald Trump in 1988 for his participation in the riot that rocked the District of Columbia Dirksen Senate Office Building located 50 Constitution Ave NE, Washington, DC 20002.<sup>x</sup>

As a representative of the media and a member of the general public, I associate systemic chauvinism, misogyny, racism and sexism with the selective reporting of crimes based on non-meritorious factors such as gender, race,<sup>xi</sup> sexual orientation, religious and national affiliation or other similarly identifying attributes. As a representative of the media and a member of the general public, I associate systemic chauvinism, misogyny, racism and sexism with double standards and hypocrisy. As a representative of the media and a member of the general public, I think you should reflect upon your culture, tradition and values if you are affording certain specific others benefits and privileges you would not others because of non-meritorious factors enumerated at the beginning of this paragraph. As a representative of the media and a member of the general public, I personally find it problematic that Donald Trump has advocated for the death penalty in the State of New York,<sup>xii</sup> where my birthday is a matter of public records after 5 young black males were accused and wrongfully convicted on flimsy circumstantial evidence of the brutal beating and rape of a jogger in the Spring of 1989.<sup>xiii</sup> As a representative of the media and a member of the general public, I personally find it problematic that Donald Trump has advocated for the death penalty in the State of New York a year after he spoke at Lehigh University and credible substantiated reports began to surface that he himself was not as financially successful as he had claimed<sup>xiv</sup> and had not been respectful of affirmative and

effective consent in his sexual relationships with females.<sup>xv</sup> As a representative of the media and a member of the general public, I think the petition,<sup>xvi</sup> which was drawn up by Kelly McCoy to rescind Trump's honorary degree was a positive first step towards a more inclusive, loving and tolerant society in the State of Pennsylvania given the racially charged history of the academic institution.<sup>xvii</sup> As a representative of the media and a member of the general public, I believe the decision of Lehigh University faculty members to put forward a motion to rescind Trump's honorary degree<sup>xviii</sup> was also a positive first step towards a more inclusive, loving and tolerant society in the State of Pennsylvania given the racially charged history of the academic institution. As a representative of the media and a member of the general public, I had previously expressed displeasure and regret that members of the Board of Trustees at Lehigh University had taken "no action"<sup>xix</sup> on the petition of Kelly McCoy and the motion of the faculty at Lehigh University to have Donald Trump honorary degree rescinded. As a representative of the media and a member of the general public, I really don't know in which "*lengthy, full and robust discussions,*" members of the Board of Trustees at Lehigh University have engaged amongst themselves as well as employees and legal representatives of the Department of Education (DoED), the Department of Justice (DOJ) and others pertaining to Jeanne Clery's brutal rape and murder in 1986. As a representative of the media and a member of the general public, I really don't know in which "*lengthy, full and robust discussions,*" members of the Board of Trustees at Lehigh University have engaged in amongst themselves as well as others about Donald Trump being rewarded with an honorary degree two years after the brutal rape and murder of Jeanne Clery in 1988. This request for records seeks just that: details.

#### 4) Request for Records

My request for records are as follows. 1) What formal and informal ties exist between your offices, the Department of Education (DoED), the Department of Justice (DOJ) and Lehigh University? 2) How were you first informed about the brutal rape and murder of Jeanne Ann Clery? What conversations have you had amongst yourselves and others about the manner in which high school and undergraduate students are being informed / taught about the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act? Will you join me in moving to call upon the prompt disclosure of all your communications in the form of e-mails and postal correspondence about Jeanne Clery's time as a student of Lehigh University either to my e-mail or in the alternative my mailing address? 3) Were you ever in receipt of concerns and/or complaints that were filed with your offices about Donald Trump having been invited to speak at Lehigh University in 1988 two years after the brutal rape and murder of Jeanne Clery by Joseph Henry? Were you ever in receipt of concerns and/or complaints about Donald Trump being awarded an honorary degree 15 years after the Department of Justice (DOJ) charged his real estate business of maliciously excluding blacks and African Americans as customers? If yes, will you join me in moving to call upon all concerns and complaints which were filed with your offices since April 01<sup>st</sup> 1988 to be promptly disclosed either to my e-mail or in the alternative my mailing address? 4) Were you ever in receipt of concerns and/or complaints that were filed with your offices about Donald Trump advocating in the State of New York in 1989/1990 for the reinstatement of the death penalty following the much-publicized incident at Central Park mentioned above? If yes, will you join me in moving to

call upon all concerns and complaints that were filed by residents of the State of Pennsylvania, New York and elsewhere about Donald Trump advocating for the return of the death penalty since August 1989 to be promptly disclosed either to my e-mail or in the alternative my mailing address? 5) Have you ever had communications in the form of e-mails and postal correspondence with students, faculty and staff of Lehigh University about Donald Trump having advocated for the reinstatement of the death penalty in 1989 following the much-publicized incident at Central Park in the State of New York? Have you ever had communications in the form of e-mails and postal correspondence with employees and legal representatives of Lehigh University about Donald Trump having failed to be respectful of affirmative and effective consent in his sexual relationships with females? If yes, will you join me in moving to call upon the prompt disclosure of all your communications in the form of e-mails and postal correspondence with students, faculty and staff of Lehigh University dealing with (a) Donald Trump having called for the reinstatement of the death penalty in the State of New York following the much-publicized incident at Central Park in the Spring of 1989 and (b) Donald Trump's failure to be respectful of affirmative and effective consent in his sexual relationships with females to my e-mail or in the alternative my mailing address? 6) Have you ever had communications in the form of e-mails and postal correspondence with students, faculty, staff and Board of Trustees members of Lehigh University about Kelly McCoy petition on Change.org calling for the honorary degree awarded to Donald Trump to be rescinded? Have you ever had communications in the form of e-mails and postal correspondence with students, faculty and staff of Lehigh University about the faculty of Lehigh University having put forward a motion to rescind Donald Trump's honorary degree awarded to him in 1988? If yes, will you join me in moving to call upon the prompt disclosure of all your communications in the form of e-mails and postal correspondence with students, faculty staff and Board of Trustee members of Lehigh University dealing with (a) Kelly McCoy petition on Change.org calling for the honorary degree awarded to Donald Trump at Lehigh University to be rescinded and (b) the motion put forward by faculty members of Lehigh University calling upon the honorary degree awarded to Donald Trump to be rescinded either to my e-mail or in the alternative my mailing address? What I am requesting for prompt disclosure are all documents detailing (1) formal and informal ties existing between your offices, the Department of Education (DoED), the Department of Justice (DOJ), and Lehigh University; (2) the time, the place and the manner in which you were first informed about the brutal rape and murder of Jeanne Ann Clery; (3) all your communications in the form of e-mails and postal correspondence about the manner in which high school and undergraduate students are being taught / informed about the requirements of the Jeanne Ann Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; (4) all your communications in the form of e-mails and postal correspondence about Jeanne Ann Clery's time as a student of Lehigh University; (5) receipt of all concerns and complaints that were filed with your offices pertaining to Donald Trump having been invited to speak at the graduation ceremony of Lehigh University Class of 1988 two years after the brutal rape and murder of Jeanne Clery; (6) receipt of all concerns and complaints that were filed with your offices about Donald Trump having been invited to speak at the graduation ceremony of Lehigh University Class of 1988 fifteen years after the DOJ charged his real estate company of maliciously excluding blacks and African Americans as customers; (7) receipt of all concerns and complaints that were filed by people of the United States of America with your offices about

Donald Trump having advocated for the reinstatement of the death penalty in the state of New York following the much-publicized incident at Central Park in the Spring of 1989; (8) all your communications in the form of e-mails and postal correspondence about Donald Trump having endorsed the reinstatement of the death penalty in the State of New York following the much publicized incident at Central Park in the Spring of 1989; (9) all your communications in the form of e-mails and postal correspondence about Donald Trump's failure to be respectful of affirmative and effective consent in his sexual relationships with females; (10) all your communications in the form of e-mails and postal correspondence about Kelly McCoy petition on Change.org calling for Donald Trump honorary degree to be rescinded; (11) all your communications in the form of e-mails and postal correspondence about the motion put forward by faculty members of Lehigh University calling upon the honorary degree awarded to Donald Trump to be rescinded and (12) all your communications in the form of e-mails and postal correspondence about Lehigh University rescinding Donald Trump's honorary degree for his participation in the District of Columbia Dirksen Senate Office Building riot dated January 06<sup>th</sup> 2021.

#### 5) Request for a Fee Waiver and Expedited Processing

The Department of Justice (DOJ) Office of Information Policy (OIP) defines a “*perfected*” FOIA request as a request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.<sup>xx</sup> The Association for the Advancement of Civil Liberties (AACL) is a non-governmental organization (NGO). As its Founding Member, I, W had previously been informed that forms 1023, 2848, 5578, 5768 and SS4 were filed with the Internal Revenue Services (IRS). The AACL does not discriminate on the basis of gender, race, national origin, religious affiliation, sexual orientation or any other attribute people may associate themselves with.<sup>xxi</sup> The AACL does not represent in any way whatsoever the views of the executive, judicial and legislative branches of the U.S government. I, W am a member of the general public: I am a representative of the media.<sup>xxii</sup> I, W have contributed several articles<sup>xxiii</sup> on the Huffington Post.<sup>xxiv</sup> The other has mentioned my YouTube channel on numerous occasions to me.<sup>xxv</sup> I have previously used YouTube,<sup>xxvi</sup> Scribd,<sup>xxvii</sup> and Archive.org<sup>xxviii</sup> to publish documents obtained through records request and will continue to do so in the future. If you wish, you can like and subscribe to my YouTube Channels. The AACL is primarily engaged in disseminating information within the meaning of the statute 5 U.S.C § 552 (a)(6)(E)(v)(II). Obtaining information about government activity, analyzing that information, and widely publishing and disseminating information to the press and public are critical and substantial components of the AACL work.<sup>xxix</sup> The records requested are not sought for commercial purposes and I, W plan to disseminate the information disclosed as a result of this request to the public at no cost. These records are urgently needed to inform the public about actual or alleged government activity. It is my opinion, that the AACL has satisfied the requirements for expedited processing of this request. The AACL requests a waiver on document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “*likely to contribute*

*significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.*” 5 U.S.C § 552 (a)(4)(A)(iii). The AACL also requests a waiver of search fees on the grounds that the AACL qualifies as a “*representative of the news media*” and the records are not sought for commercial use. 5 U.S.C § 552(a)(4)(A)(ii)(II). Given the ongoing attention of the AACL to the issues presented, it is the opinion of the AACL that the records sought will significantly contribute to public understanding of an issue of profound public importance. *City of Baltimore v Burke? Project on Military Procurement v Dept of Navy?* The AACL is not filing this request to further its commercial interest. As previously mentioned, any information disclosed by the AACL as a result of this request for records will be available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending the FOIA. Has Congress not amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters? *Judicial Watch, Inc v Rossotti? Eudey v CIA?* Does burden for justifying nondisclosure fall upon the agency who is in receipt of a request for records? *Petroleum Inf. Corp v U.S Dept of Interior?*

I hereby declare under penalty of perjury that all the statements I have made are to the best of my knowledge true and accurate.

Respectfully submitted:

W (AACL)

Michael A. Ayele

Anti-Racist Human Rights Activist

Audio-Visual Media Analyst

Anti-Propaganda Journalist



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## Work Cited

<sup>i</sup> Please be advised that I have real concerns about the limitations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. I am worried about the selective manner in which crime is being reported on several campuses of colleges and universities I have previously attended and visited. As a representative of the media and a member of the general public, I am worried about the systemic chauvinism, misogyny, racism and sexism I have witnessed for the past 10 years. I am worried about employees and legal representatives of colleges and universities I have attended and visited taking into consideration non-meritorious factors such as gender, sexual orientation, race, religious and national affiliation when reporting crimes that may transpire on their campuses. I see color because the other is not blind to color. If the other informs me in a conversation I am having about race: “*I don’t see color;*” I will find myself skeptical of the statement. Furthermore, I don’t think others should take it for granted that someone is inherently fair, impartial, neutral, objective and unbiased because they say they “*don’t see color.*”

<sup>ii</sup> *Westminster Seminar*; Westminster College:  
<https://www.wcmo.edu/academics/degrec/westminster-seminar.html>

<sup>iii</sup> *Jeanne Clery: The Untold Story*; University of Arkansas, YouTube:  
[https://www.youtube.com/watch?v=PtWBcNh\\_sqo](https://www.youtube.com/watch?v=PtWBcNh_sqo)

<sup>iv</sup> *Commonwealth of Pennsylvania v Henry* : <https://law.justia.com/cases/pennsylvania/supreme-court/1990/524-pa-135-1.html#:~:text=On%20April%2025%2C%201987%2C%20in,%2C%20robbery%2C%20and%20aggravated%20assault.>

<sup>v</sup> *Ex-Lehigh Student Sentenced to Electric Chair for Murder*; The New York Times:  
<https://www.nytimes.com/1987/04/30/us/ex-lehigh-student-sentenced-to-electric-chair-for-murder.html>

<sup>vi</sup> *Josoph Henry v Martin Horn et al*; United States District Court for the Eastern District of Pennsylvania: <https://www.nytimes.com/1987/04/30/us/ex-lehigh-student-sentenced-to-electric-chair-for-murder.html>

<sup>vii</sup> *Henry trades appeal rights for life in prison for 1986 rape, murder of Lehigh Student* \*\*  
*Northampton County judge Oks deal. Death sentence was thrown out in May*;  
<https://www.mcall.com/news/mc-xpm-2002-08-31-3417898-story.html>

<sup>viii</sup> *June 1988: Donald Trump warns Lehigh Graduates about AIDS and foreign competitors*; The Morning Call: <https://www.mcall.com/news/breaking/mc-donald-trump-commencement-speech-lehigh-university-20170816-story.html>

<sup>ix</sup> “*No Vacancies*” for Blacks: *How Donald Trump Got His Start and Was First Accused of Bias*; New York Times: <https://www.nytimes.com/2016/08/28/us/politics/donald-trump-housing-race.html>

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<https://www.youtube.com/watch?v=Hme351wP2dk>

<sup>x</sup> *Lehigh University Rescinds Donald Trump's Honorary Degree Days After Capitol Attack*; The Morning Call: <https://www.mcall.com/news/breaking/mc-nws-lehigh-university-trump-degree-20210108-g5t5cgijnreu5oewoyxklj4mby-story.html>

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<sup>xi</sup> *What Would You Do? Racism in America*; YouTube: [https://www.youtube.com/watch?v=2\\_uMIhvB\\_9c](https://www.youtube.com/watch?v=2_uMIhvB_9c)

<sup>xii</sup> *Donald Trump's Racially Charged Advocacy of the Death Penalty*; The Atlantic: <https://www.theatlantic.com/politics/archive/2015/12/donald-trump-death-penalty/420069/>

<sup>xiii</sup> *Oprah Winfrey Presents \_ When They See Us Now (Netflix Official Site)*; YouTube: <https://www.youtube.com/watch?v=18UZO9UmCPg>

<sup>xiv</sup> *Barbara Walters Interviews Donald Trump on ABC's 20/20 – August 17<sup>th</sup> 1990*; YouTube: <https://www.youtube.com/watch?v=5TwVCuPJrMw>

<sup>xv</sup> *CNN's Erin Burnett Reports Donald Trump Kissed Her Friend Without Consent*; Huffington Post: [https://www.huffpost.com/entry/donald-trump-erin-burnett-video\\_n\\_57f83edce4b0b6a430326776](https://www.huffpost.com/entry/donald-trump-erin-burnett-video_n_57f83edce4b0b6a430326776)

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*Crossing the Line: How Donald Trump Behaved with Women in Private*; New York Times: <https://www.nytimes.com/2016/05/15/us/politics/donald-trump-women.html>

*E. Jean Carroll Speaks About Her Claim That President Trump Sexually Assaulted Her in 1990s*; Time: <https://www.youtube.com/watch?v=TNBaRM8sKZU>

*Court Orders Donald Trump to Pay Legal Fees in Stormy Daniels Suit*; CNN: <https://edition.cnn.com/2020/08/22/politics/stormy-daniels-trump-judge-order/index.html>



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<sup>xvi</sup> *Lehigh University: Rescind Donald Trump's Honorary Degree*; <https://www.change.org/p/lehigh-university-rescind-donald-trump-s-honorary-degree>

<sup>xvii</sup> *Spurred by Charlottesville, petition asks Lehigh University to rescind Trump's Honorary Degree*; Morning Call: <https://www.mcall.com/news/breaking/mc-nws-lehigh-petition-rescind-trump-honorary-degree-20170816-story.html>

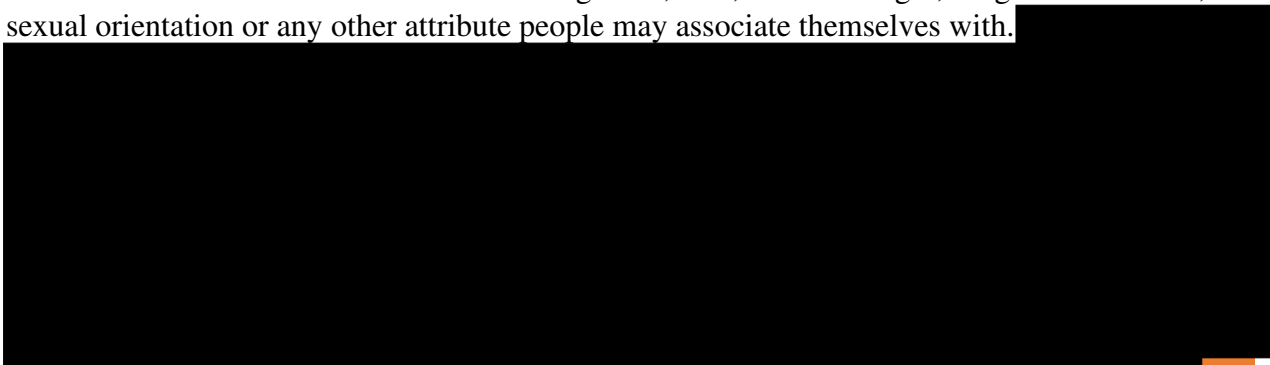
<sup>xviii</sup> *Lehigh Faculty Motion on Donald Trump's Honorary Degree*: <https://spark.adobe.com/page/6x6yIw8SumQtz/>

*Op-Ed; Rescind Donald J. Trump's honorary Degree*; The Brown and White: <https://thebrownandwhite.com/2020/08/26/op-ed-rescind-trump-honorary-degree/>

<sup>xix</sup> *Trustees' Statement on Faculty Motion Regarding President Trump's Honorary Degree*; Lehigh University: <https://www2.lehigh.edu/news/trustees-statement-on-faculty-motion-regarding-president-trumps-honorary-degree>

<sup>xx</sup> Department of Justice (Office of Information Policy) Guidelines: <https://www.justice.gov/oip/blog/foia-update-oip-guidance-guidelines-agency-preparation-and-submission-annual-foia-reports>

<sup>xxi</sup> I am seriously worried: I am concerned. My relationship with the other for legal purposes is accounted for with the Internal Revenue Services (IRS). With the IRS, I had in 2017 submitted for filing Forms 1023, 2848, 5578, 5768 and SS4. I was afterwards informed that the Association for the Advancement of Civil Liberties (AACL) was conferred 501 (c)(4) Status. I have last seen the 501 (c)(3) Foundation Center in the District of Columbia in 2015. (<https://www.youtube.com/watch?v=CE7HBqKJ4hg>) It was in the District of Columbia, that I had formally inquired about the legal steps one needed to take to incorporate a non-profit/non-governmental organization (NGO). I would like to take this opportunity to reiterate that the AACL does not discriminate on the basis of gender, race, national origin, religious affiliation, sexual orientation or any other attribute people may associate themselves with.



*Lykins v United States Department of*

*Justice?*

<sup>xxii</sup> Articles I have previously published have been broadly circulated to the public and are widely available to everyone at no cost. The AACL meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C § 552(a)(4)(A)(ii)(III), 5 C.F.R § 2604.103; 28 C.F.R § 16.10(b)(6); 5 C.F.R § 294.103(c); 41 C.F.R § 105-60.305-1(i). Have the courts not found in *Nat’l Sec. Archive v DOD* that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devices indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA? *Serv. Women’s Action Network v DOD?*

<sup>xxiii</sup> Michael W Questions to the U.S Department of Commerce, January 2018; Huffington Post: <https://www.huffpost.com/entry/michael-w-questions-to-the-united-states-department> b 5a4b855fe4b0d86c803c795a

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<sup>xxiv</sup> About I, W (Michael A. Ayele): <https://www.huffpost.com/author/mbayelm13-384>

<sup>xxv</sup> The link to my YouTube channels can be found here. 1)

[https://www.youtube.com/channel/UCMuItC\\_CoA7t6XCjCC19mBg/videos?view=0&sort=dd&shelf\\_id=0](https://www.youtube.com/channel/UCMuItC_CoA7t6XCjCC19mBg/videos?view=0&sort=dd&shelf_id=0). 2) [https://www.youtube.com/channel/UC-DuJkp2AsvbwdOJxiu9-DQ?view\\_as=subscriber](https://www.youtube.com/channel/UC-DuJkp2AsvbwdOJxiu9-DQ?view_as=subscriber)

My YouTube channel has previously been referenced in correspondence which were submitted to the United States District Court of Maryland located respectively 101 West Lombard Street, Baltimore; MD and 6500 Cherrywood Lane, Greenbelt; Maryland.

<sup>xxvi</sup> *The District of Columbia Discloses the Memorandum of Understanding (MOU) Concluded between the Metropolitan Police Department (MPD) and the University of the District of Columbia*; W (AACL): [https://www.youtube.com/watch?v=HVyT4Nn\\_0Wk&t=166s](https://www.youtube.com/watch?v=HVyT4Nn_0Wk&t=166s)

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*The University of Maryland Discloses Records Following a Public Information Act (PIA) Request for Records; W (AACL): <https://www.youtube.com/watch?v=UnHI-9PBozo&t=3s>*

<sup>xxvii</sup> *Sauk Valley Community College (Dixon, Illinois) Disclose Limited Records Concerning the Consequences of Jeanne Ann Clery's Death on American Society and Post-Secondary Education; W (AACL), Scribd.: [Sauk Valley Community College Disclose Very Limited Records Concerning the Consequences of Jeanne Clery's Death on American Society and Post-Secondary Education - W \(AACL\) - Michael A. Ayele | Freedom Of Information Act \(United States\) | Donald Trump \(scribd.com\)](https://www.scribd.com/document/411111111/Sauk-Valley-Community-College-Disclose-Very-Limited-Records-Concerning-the-Consequences-of-Jeanne-Clery-s-Death-on-American-Society-and-Post-Secondary-Education-W-AACL-Michael-A-Ayele-Freedom-Of-Information-Act-United-States-Donald-Trump)*

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